

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 31, 2006**

UNAPPROVED
JUNE 29, 2006

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District

ABSENT: Nancy Hopkins, Dranesville District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:19 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Alcorn noted that the Planning Commission's Environment Committee would meet with the Environmental Quality Advisory Council on Thursday, June 1, 2006, at 7:30 p.m., in the Board Conference Room, to continue discussions on stream protection.

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Commissioner Harsel announced that *Braddock's True Gold*, a Braddock District reminiscence of the 20th Century, would be available for sale Monday, June 5, 2006, in several book shops and through the County's Office of Maps and Publications. She noted that the 193 page booklet contained interviews with citizens who lived in the Braddock District during the years 1907 through 1990.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER APR 05-III-3P INDEFINITELY.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioners Hopkins, Lusk, Murphy, and Wilson absent from the meeting.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON SEA 2002-MV-028 TO A DATE CERTAIN OF JUNE 14, 2006, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Hall and Lawrence seconded the motion which carried unanimously with Commissioners Hopkins, Lusk, Murphy, and Wilson absent from the meeting.

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On behalf of Commissioner Lusk, Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2004-LE-045, MC PROPERTY DEVELOPMENT, LLC, TO A DATE CERTAIN OF JUNE 14, 2006.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Hopkins, Lusk, Murphy, and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. SEA 00-P-014 - ROBERT J. ETRIS/CITY OF FALLS CHURCH –
PUBLIC UTILITIES DIVISION
2. 2232-V05-22 - OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC

This order was accepted without objection.

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SEA 00-P-014 - ROBERT J. ETRIS/CITY OF FALLS CHURCH - PUBLIC UTILITIES DIVISION - Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 00-P-014 previously approved for water storage facilities to permit demolition and construction of a new elevated water storage facility and modification of associated development conditions. Located on the N. side of Chain Bridge Rd., approx. 1,000 ft. E. of its intersection with Leesburg Pi. on approx. 14,697 sq. ft. of land zoned C-8, HC, and SC. Tax Map 29-3 ((1)) 78B. PROVIDENCE DISTRICT. PUBLIC HEARING.

Robert Etris, Director of Utilities for the City of Falls Church, reaffirmed the affidavit dated January 9, 2006. There were no disclosures by Commission members.

Commissioner Lawrence asked Vice Chairman Byers to ascertain whether there was anyone present who wished to address this application. Receiving no response, Vice Chairman Byers

waived the presentations by the applicant and staff, closed the public hearing, and recognized Commissioner Lawrence for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 00-P-014, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 17, 2006, INCLUDED IN THE STAFF REPORT AS APPENDIX 1.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Hopkins, Lusk, Murphy, and Wilson absent from the meeting.

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The next case was in the Mount Vernon District; therefore, Vice Chairman Byers relinquished the Chair to Secretary Harsel.

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2232-V05-22 - OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC - Appl. to construct a telecommunications facility at Mount Vernon High School, located at 8515 Old Mount Vernon Rd., Mount Vernon. The proposed facility will include a 69-ft. tall monopole with flush-mounted panel antennas to replace an existing 55-ft. tall ballfield light pole and a fenced compound for equipment cabinets. Tax Map 101-4 ((10)) (1) 16. Area IV. Copies of the application with a description of the proposal may be obtained from the Department of Planning and Zoning, 7th floor, Herrity Building, 12055 Government Center Parkway, Fairfax. MOUNT VERNON DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal to be substantially in accord with provisions of the adopted Comprehensive Plan.

In response to a question from Secretary Harsel, Mr. Jillson said that the antennas would be flush mounted. He pointed out that photographs of the existing poles and simulations were depicted in Attachment A of the staff report and a photograph of the actual balloon test, not a simulation, was shown in Attachment B.

Ed Donohue, Esquire, Holland & Knight LLP, stated that a telecommunications facility was being proposed at Mount Vernon High School to take advantage of one of 12 light poles in the southernmost part of the campus to provide coverage needed in the area. He noted that other facilities had been approved on school and park property and the design of the pole would be as

unobtrusive as possible. He explained that the location, lighting, and access to the facility had been modified at the request of the school. Mr. Donohue said he was aware concerns had been raised about possible co-location of other carriers, but pointed out that this application was for T-Mobile only.

Commissioner Hall commented that in addition to the Mason District Park, monopoles were also located at a church, a fire station, and at Thomas Jefferson High School in the Mason District. Mr. Donohue noted that there were also poles at Chantilly and Centreville High Schools.

In response to a question from Commissioner Alcorn, Mr. Donohue said that there was space available on the ground and on the structure for two additional carriers. Commissioner Hall noted that County policy encouraged co-location.

In response to questions from Secretary Harsel, Mr. Donohue said the proposed monopole would be 69 feet tall and the existing light fixtures were 55 feet tall.

Secretary Harsel called the first listed speaker and recited rules for testimony before the Commission.

Dan Burrier, 8601 Washington Avenue, Alexandria, President of the Mt. Zephyr Citizens Association, stated that his community and surrounding communities unanimously supported the application as indicated by a survey he had conducted. He explained that there was no reception in this area at the present time due to the topography and said the facility would provide residents with much needed coverage and benefit the school financially. (A copy of his remarks is in the date file.)

Jim Miles, 8515 Cherry Valley Lane, Alexandria, spoke in support of the application citing the need for cell phone coverage in the area. He said safety of monopoles had been thoroughly analyzed by the public school system and had been shown to emit less radiation than FM or television transmitters. He said the visual impact of the pole would be negligible especially when compared to the existing light poles. Mr. Miles noted that the use of cell phones was necessary for public safety, especially in emergency situations. (A copy of his remarks is in the date file.)

Commissioner Byers pointed out during a recent bomb hoax at Walt Whitman Middle School, students had been able to call their parents with cell phones. He added that if that had happened at Mount Vernon High School, they would have been unable to do so.

Lois Passman, 8354 Orange Court, Alexandria, Education Chair of the Riverside Estates Civic Association, spoke in opposition to the application citing lack of community input in the decision making process, inadequate buffers, and limited open space for the equipment, an access road, and a stormwater management facility. She said a monopole at Mount Vernon High School had been opposed by the community on two previous occasions and that the Civic Association had been assured by the Department of Facilities and Transportation Services, Fairfax County Public Schools (FCPS) and the Mount Vernon District School Board member, David Storck, that no

further applications would be considered. She explained that the School Board had signed a telecommunications master lease agreement in 2002 to allow negotiations between carriers and individual schools with assurance that the community would be involved in the process. She pointed out that in 2005, when a Department of Purchasing and Supply Management (DPSM) amendment to the agreement had deleted the section regarding community involvement, the Mount Vernon Council of Citizens Associations had unanimously resolved that all proposals for monopolies not under construction on school sites would be cancelled until the School Board took action to reinstate the deleted text. She said that the Mount Vernon District Supervisor, Gerald Hyland, had agreed that the text should not have been deleted. (A copy of her comments is in the date file.)

In response to a question from Commissioner Hall, Ms. Passman said that the association was opposed to monopolies at all schools but the size of the equipment compound in this case was excessive for a site with little green space.

Responding to questions from Commissioner Hart, Mr. Jillson said that he was unaware of what School Board actions had been taken regarding a telecommunications lease agreement since that was not part of the application.

Dean Tistadt, Department of Facilities and Transportation Services, FCPS, said that during deliberations in 2004 and 2005 about locating cell towers on school property, much research had been done indicating that emission levels were well below the Federal Communications Commission (FCC) standards. He said while the School Board wanted to make sure that residents were informed about the process, they did not believe it was necessary to advocate their position to community groups, PTAs, and others. He added that the County Council of PTAs had indicated that they did not want to be part of the decision process. Therefore, consistent with the direction from the School Board, Mr. Tistadt said he had requested DPSM to change the contract language. He said the School Board had reaffirmed their position at a recent meeting.

In response to questions from Commissioner Hart, Mr. Jillson, quoting from the Federal Telecommunications Act of 1996, said "no state or local government or instrumentality thereof, may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions." He said that the County's Department of Information Technology reviewed each telecommunications facility and as indicated in the staff report, the emissions from this facility would be less than one percent of the FCC standards.

Responding to a question from Commissioner Hall, Mr. Tistadt said the community had an opportunity to participate in the decision-making process by appearing before the School Board and the Planning Commission.

In response to a question from Secretary Harsel, Mr. Tistadt said that the School Board would make a final decision on this application at their meeting on June 22, 2006. He pointed

out that although the Commission would make its determination based on character, location, and extent, the School Board would sign the lease with the telecommunications carrier.

Barbara Scheeler, 4500 Squiredale Square, Alexandria, spoke in opposition to the application because it could have negative impacts on property values, health, and safety. She said the compound was too large for the space available and alternate locations should be considered. She explained that the Fairfax County Federation of Teachers was against further construction of cell towers on school property because of health and behavior concerns and wanted existing towers removed. She said that the Executive Board of the Fairfax County Council of PTAs had passed a similar resolution.

In response to questions from Commissioner Byers, Ms. Scheeler said that although radiation from this antenna would be less than received from a television, you could turn off a television. She said that although she was president of the Mount Vernon High School PTA, she could not speak on behalf of the Fairfax County Council of PTAs and also noted that the Mount Vernon PTA could take no official position on the application due to potential liability issues.

In response to questions from Commissioner Hall, Ms. Scheeler said that her information about decreased property values had been obtained from information compiled by realtors. Commissioner Hall stated that she had never seen any evidence that a telecommunications facility had had a negative affect on property values in Fairfax County and would like to see the study to which Ms. Scheeler referred.

David Nolan, 8310 Wagon Wheel Road, Alexandria, President, Riverside Estates Civic Association, spoke in opposition to the application citing concerns about negative health impacts. He submitted for the record a petition with 84 signatures against the installation of the monopole. He added that the County was being short-changed because the fair market value should be \$2,500 a month for a transmitter as was currently being paid to a Beacon Hill church. (A copy of his comments is in the date file.)

Secretary Harsel commented that the Planning Commission did not get involved in cost negotiations and that Mr. Nolan should express his concerns to the School Board.

Commissioner Byers noted that he had spoken with Mr. Storck at length last evening and he had indicated that if a different site in the area was chosen, he might be able to support a pole. Commissioner Byers noted that there would most likely be community opposition if the pole was closer to residential development.

Suzanne Pyles, 3307 Battersea Lane, Alexandria, submitted a petition in opposition to the facility signed by 40 local residents and parents of children attending schools in the area. She said the proposal was not in accord with the Comprehensive Plan for the Mount Vernon Planning District which stated that commercial encroachment into stable residential areas should be limited. She also expressed concern about the safety of the ground equipment and said she had no problems with coverage provided by her cell phone carrier. (A copy of her comments is in the date file.)

Earl Flanagan, 3117 Waterside Lane, Alexandria, spoke in opposition to the application because it was not in accord with Comprehensive Plan recommendations for the location of mobile and land-based telecommunications services. He said the facility would pose a public safety risk and since the site was not well buffered it would have an adverse visual affect on the surrounding community. Mr. Flanagan requested that the Planning Commission consider the impact of two additional carriers before making a decision on the application. He noted that the Mount Vernon District Park Authority Board representative, Gilbert McCutcheon, had indicated that the Park Authority would consider a monopole in nearby parks. (A copy of his comments is in the date file.)

Diana Barbera, 11703 Amkin Drive, Clifton, representing Protect Schools, an organization of concerned citizens who supported the prohibition of cell towers on school property, spoke in opposition to the application due to health and safety risks. She noted that the International Association of Fire Fighters opposed cell towers at fire stations based on potential health risks. (A copy of her comments is in the date file.)

In response to questions from Commissioner Hart, Mr. Tistadt said that the School Board determined if a proposed facility was consistent with School Board policy.

Responding to questions from Commissioner Alcorn, Ms. Barbera said that the preemption clause referenced by Mr. Jillson did not restrict a body from considering health effects in its determination.

In response to a question from Commissioner Hall, Ms. Barbera said that the monopoles at the Mason, Jefferson, and Annandale fire stations may have been installed before the International Association of Fire Fighters study had been published in 2004.

Michael Brown, 9102 Pear Tree Landing, Alexandria, representing the Union Farm Homeowners Association, spoke in support of the application because it would provide the community with much needed cell phone coverage.

In response to a question from Commissioner Harsel, Mr. Brown said that he did not have T-Mobile service presently but would switch carriers when the tower was operational.

Neil Krizek, 4409 Jackson Place, Alexandria, spoke in opposition to the application. He said that the compound, the driveway, and future co-located carriers would occupy 7,000 square feet that could be used for athletic fields.

Larry Carpenter, 8016 Ashton Street, Alexandria, noting that his son attended Mount Vernon High School, spoke in support of the application because it was necessary to have adequate cell phone service for public safety reasons.

There being no further speakers, Secretary Harsel called upon Mr. Donohue for a rebuttal statement.

Mr. Donohue stated that although the ability to control emissions was not part of the application process, the staff report showed that the facility would be well below one percent of the maximum permitted exposure. He said that the proposed 69 foot light pole would be among 11 other 55 foot light poles and therefore would not create negative visual impact. He said that the compound would be screened by fencing and that there would be a significant separation between the pole and adjacent homes.

In response to a question from Commissioner Hall, Mr. Donohue said that the equipment cabinet would be similar to equipment and maintenance sheds presently located on the fields. Mr. Donohue added that other monopoles had been located on school sites with acreage similar to Mount Vernon High School.

Responding to a question from Secretary Harsel, Mr. Donohue explained that a board-on-board fence would be installed for aesthetic concerns and a chain link fence would be added for security. He said, as indicated in the staff report, the application met the criteria of location, character, and extent in accordance with the *Code of Virginia*.

Mr. Donohue responded to questions from Commissioner Byers and Secretary Harsel about alternative locations. Steve Weber, Zoning Manager for T-Mobile USA, said that he was not aware that the Park Authority might be willing to consider parkland locations for the facility.

Commissioner de la Fe said that the Park Authority had always been amenable to working with telecommunications companies if no other sites were available.

In response to a question from Commissioner Hall, Mr. Jillson said that alternative sites had not been considered because the application had first been submitted as a "feature shown" and met Comprehensive Plan guidelines. Commissioners Hall and Koch expressed concerns that alternative sites had not been considered.

In response to questions from Commissioner Alcorn, Mr. Jillson said that 2232 applications were reviewed based upon land use issues and reiterated that a governing body could not deny a facility due to possible health risks. Commissioner Alcorn said that the process might need to be reevaluated to determine when the application should be presented to the Commission since many issues presented this evening were non-land use issues. Secretary Harsel explained that Planning Commission Chairman Peter Murphy, Mr. Tistadt, and David Marshall, PD, DPZ, had come up with the process for the review of 2232 telecommunications facility applications.

In response to a question from Commissioner Lawrence, Mr. Donohue said the applicant would reevaluate the design and location of the fence in an effort to provide more open space.

Commissioner Byers recalled Mr. Flanagan to the podium to elaborate on his comment that the Mount Vernon District Park Authority Board member, Mr. McCutcheon, had expressed a willingness to consider locating the monopole in a local park. Mr. Flanagan said that this was his understanding from a conversation Ms. Passman had had with Mr. McCutcheon.

Responding to a question from Commissioner Byers, Mr. Donohue said that a pole in the Hybla Valley and Richmond Highway areas would not provide the needed coverage. Mr. Donohue he had been unaware of a possible park site until tonight. Commissioner Byers requested that Mr. Donohue contact the Park Authority to determine their position on this matter.

In response to questions from Commissioner Hart, Mr. Tisdadt said that the new School Board policy adopted in 2005 stipulated that the Board would only consider monopoles on school sites with existing vertical structures and where sufficient space existed for the storage facilities. He said the policy also called for review of an application by the School Board before being submitted to the Department of Planning and Zoning. He explained that unfortunately this policy had not been communicated to carriers and that the subject application had not followed the revised procedure. Mr. Tisdadt said the principal of Mount Vernon High School had reviewed the application and found that one tower and compound was feasible and would not interfere with athletic or instructional programs. Mr. Tisdadt pointed out that although a vote had not been taken, it was anticipated that the School Board would make a favorable recommendation on the application. Commissioner Hart commented that although the visual impact would be minimal he would like alternative sites to be evaluated.

Responding a question from Secretary Harsel, Mr. Donohue said that the chain link fence on top of the equipment cabinet would keep stray balls and curious people outside the compound.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON 2232-V05-22 TO A DATE CERTAIN OF JUNE 15, 2006, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Hopkins, Lusk, Murphy, and Wilson absent from the meeting.

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Vice Chairman Byers resumed the Chair.

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ADJOURNMENT

May 31, 2006

The meeting was adjourned at 11:03 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan and
Linda B. Rodeffer

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission